

# Civil Enforcement Case Report

## Civil Enforcement Case

### Basic Information

**Case Number:** 05-2001-0710  
**Case Name:** ARCHER DANIELS MIDLAND (14)  
 (NATIONAL CASE)(LEAD)  
**Case Category:** Judicial  
**Case Status (as of 04/07/2015):** Final Order Entered  
**Case Lead:** EPA  
**Court Docket Number:** 03-2066  
**DOJ Docket Number:** --

**Relief Sought:** Injunctive Relief  
**Enforcement Outcome:** --  
**Headquarters Division:** AIR  
**Branch:** MMBII  
**Result of Voluntary Disclosure?** No  
**Multi-media Case?** No  
**Enforcement Type:** Civil Judicial Action  
**Violations:** Prevention Of Significant Deterioration

### Penalties – Case Level

**Total Federal Penalty Assessed or Agreed To:** \$757,506  
**Total State/Local Penalty Assessed:** \$615,500  
**Total SEP Cost:** \$332,558  
**Total Compliance Action Cost:** \$236,201,860  
**Total Cost Recovery:** \$0

### Case Summary

ADM FAILED TO OBTAIN A PSD PERMIT PRIOR TO CONSTRUCTION OF A MAJOR MODIFICATION TO ITS FACILITY. The original Consent Decree between the United States and Archer Daniels Midland Company (ADM) was entered into in 2003. Under that Decree, at an estimated cost of \$328 million, including at least \$208 million in capital costs, ADM agreed to make environmental improvements at its plants nationwide that would eliminate 63,000 tons in air pollution per year. Most of the obligations of the 2003 Decree have been implemented. However, some time ago, it was determined that the extent to which volatile organic compound (VOC) emissions could be reduced at ADM's Marshall, Minnesota plant were overestimated. The parties agreed that for every ton that ADM fell short of meeting the VOC requirements (108 tons at the Marshall, Minnesota plant), the facility would need to reduce two tons of air pollution at the facility another way. ADM therefore agreed to enter into an agreement to permanently shutdown two coal-fired boilers and appurtenant material handling equipment and replace these equipment items with a new natural gas boiler. These shut downs and their replacement with a natural gas boiler, will achieve reductions of about 770 tons per year of emissions, primarily sulfur dioxide, nitrogen oxides, and carbon monoxide.

### Laws and Sections

Law	Sections	Programs
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### Citations

Title	Part	Section
40CFR	52	23
40CFR	52	21

Law	Sections	Programs
CAA	110, 165	Implementation Plan for National Primary and Secondary Ambient Air Quality Standards, Prevention of Significant Deterioration (PSD)

### Facilities

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110000427128	ADM CORN PROCESSING - MARSHALL	400 ERIE RD	MARSHALL	MN	562582736	5159	325193
110000439598	ARCHER DANIELS MIDLAND CO	3883 FARIES PKWY	DECATUR	IL	62526-5656	2041 2046 2075	311222
110000439598	ARCHER DANIELS MIDLAND CO.- DECATUR WEST	3883 FARIES PARKWAY	DECATUR	IL	62526	2041 2046 2075	311222
110000497436	ARCHER DANIELS MIDLAND CO - RED WING	126 LAGRANGE ST	RED WING	MN	55066	2076	311223
110000592047	ARCHER DANIELS MIDLAND COMPANY	2191 W COUNTY ROAD 0 N/S	FRANKFORT	IN	46041-8746	2075	311225
110001807625	ADM ANIMAL NUTRITION	2901 CHESTNUT ST	QUINCY	IL	62301	2048	311119
110001808090	ARCHER DANIELS MIDLAND CO	405 WILBUR RD	CHAMPAIGN	IL	61820	2075	311222
110001808615	ARCHER DANIELS MIDLAND CO	3601 CARGILL RD	GRANITE CITY	IL	62040	2075	311222
110002319982	ARCHER DANIELS MIDLAND COMPANY	608 FINDLAY RD	FOSTORIA	OH	45601	2075	311222
110007532731	ARCHER DANIELS MIDLAND CO	NORTH ROUTE 48	TAYLORVILLE	IL	62568	2075	311222
110013325507	ARCHER DANIELS MIDLAND - MANKATO	2019 3RD AVE	MANKATO	MN	560012804	2075	311225
110033006681	ARCHER DANIELS MIDLAND CO	N STATE RT 48	TAYLORVILLE	IL	62568	5153	424510
110038836365	ARCHER DANIELS MIDLAND CO	FOOT OF MACARTHUR HIGHWAY	PEORIA	IL	61614	2083	311213
110040894761	ADM QUINCY	2100 GARDNER EXPY	QUINCY	IL	62305	2075	311224
110046591381	ARCHER DANIELS MIDLAND CO	1021 S HENDERSON	GALESBURG	IL	614020711	2075	311222

### Defendants

### Case Milestones

Defendants and Settlements	In Complaint	In Settlement	Event	Actual Date
ARCHER DANIELS MIDLAND, DECATUR	Y	Y	Referred To Dept Of Justice	09/25/2001
			Enforcement Action Data Entered	10/19/2001

## Related Case Documents

Document	Facility Name	Publish Date	EPA Program
No data records returned			

Event	Actual Date
Supplemental Referral-Adding parties, counts	02/28/2003
Complaint Filed With Court	04/09/2003
Supplemental Referral-Adding parties, counts	04/29/2003
Final Order Lodged	01/30/2015
Final Order Entered	04/07/2015

## Pollutants

Pollutant Name	Chemical Abstract Number
Volatile organic compounds	--

## Related Activities

Description	Actual Date
Case File	--

## Final Order 1

**Final Order Type:** Consent Decree or Court Order Resolving a Civil Judicial Action

**Final Order Name:** ARCHER DANIELS MIDLAND (14) (NATIONAL CASE) (LEAD)

**Linked Facilities (FRS ID):** 110000427128, 110000439598, 110000497436, 110000592047, 110001807625, 110001808090, 110001808615, 110002319982, 110007532731, 110013325507, 110038836365, 110040894761, 110046591381

**Final Order Lodged Date:** 04/09/2003

**Final Order Entered Date:** 08/22/2003

**Enforcement Action Closed Date:** --

**Actual Termination Date:** --

## Penalties/SEPs/Cost Recovery Amounts

**Federal Penalty Assessed or Agreed To:** \$757,506

**State/Local Penalty Assessed:** \$615,500

**SEP Value:** \$332,558

**Compliance Action Cost:** \$225,201,860

**Federal Cost Recovery Awarded:** \$0

## Complying Actions

Complying Action ID	Category	Description
26745	Facility/Site Management or Information Practice	Migrated Environmental Management Review
2600024716	Facility/Site Management or Information Practice	Migrated Monitoring/Release Detection
2600024717	Facility/Site Management or Information Practice	Migrated Permit Application

Complying Action ID	Category	Description
2600024718	Facility/Site Management or Information Practice	Migrated Recordkeeping
2600024719	Facility/Site Management or Information Practice	Migrated Reporting
2600024720	Facility/Site Management or Information Practice	Migrated Testing/Sampling
2600060267	Direct Environmental Reduction	Migrated Emission/Discharge Change (Install/Modify Controls)
2600060268	Direct Environmental Reduction	Migrated Industrial/Municipal Process Change (Includes Flow Reduction)
2600808957	Direct Environmental Reduction	Migrated Data (Direct)

### Supplemental Environmental Projects

SEP ID	Category	SEP Value	Description
3086	Pollution Reduction	\$332,558	Diesel Bus Retrofit Project

### Pollutant Reductions

Resulting From	Pollutant	Annual Amount	Units	Media Affected
CA ID 2600808957	VOLATILE ORGANIC COMPOUNDS [VOCS]	19,634,000	LBS/YR	Air
CA ID 2600808957	SULFUR DIOXIDE [SO2]	7,760,000	LBS/YR	Air
CA ID 2600808957	CARBON MONOXIDE [CO]	21,160,000	LBS/YR	Air
CA ID 2600808957	PM/PM10 [PARTICULATE MATTER]	920,000	LBS/YR	Air
CA ID 2600808957	NITROGEN OXIDES [NOX]	6,548,000	LBS/YR	Air
SEP ID 3086	PM/PM10 [PARTICULATE MATTER]	0	tons	Air
SEP ID 3086	NITROGEN OXIDES [NOX]	0	tons	Air

## Final Order 2

**Final Order Type:** Judicial Order Amending or Enforcing Consent Decree

**Final Order Name:** ARCHER DANIELS MIDLAND (NATIONAL CASE)(LEAD)

**Linked Facilities (FRS ID):** 110000427128, 110000439598, 110000497436, 110000592047, 110001808090, 110001808615, 110002319982, 110007532731, 110013325507, 110033006681, 110038836365, 110040894761, 110046591381

**Final Order Lodged Date:** 01/30/2015

**Final Order Entered Date:** 04/07/2015

**Enforcement Action Closed Date:** --

**Actual Termination Date:** --

### Penalties/SEPs/Cost Recovery Amounts

**Federal Penalty Assessed or Agreed To:** \$0

**State/Local Penalty Assessed:** --

**SEP Value:** --

**Compliance Action Cost:** \$11,000,000  
**Federal Cost Recovery Awarded:** \$0

**Complying Actions**

Complying Action ID	Category	Description
3600006920	Reduction of Ongoing Releases	Emissions Change

**Supplemental Environmental Projects**

SEP ID	Category	SEP Value	Description
No data records returned			

**Pollutant Reductions**

Resulting From	Pollutant	Annual Amount	Units	Media Affected
CA ID 3600006920	Nitrogen oxides	472,000	PNDSYR	Air
CA ID 3600006920	Particulate matter - PM10	800	PNDSYR	Air
CA ID 3600006920	Sulfur dioxide	840,000	PNDSYR	Air
CA ID 3600006920	Carbon monoxide	222,000	PNDSYR	Air